Executive Summary
Conditional Use / Residential Demolition
HEARING DATE: AUGUST 29, 2019

Record No.: 2008.0023CUA
Project Address: 461 29th Street
Zoning: RH-2 (Residential-House, Two Family)
Block/Lot: 6631/033
Project Sponsor: EE Weiss Architects, Earle Weiss
Property Owner: Tom McGrath
Staff Contact: Chris Townes – (415) 575-9195
chris.townes@sfgov.org
Recommendation: Approval with Conditions

PROJECT DESCRIPTION
The Project includes the demolition of an existing two-story, 750 square foot, single family home with one-car garage and the construction of a new four-story, 6,459 square foot, two-dwelling unit building up to approximately 40-feet in height with two off-street parking spaces and two Class 1 bicycle parking spaces. The project would also front and rear decks at the fourth floor and a 342 square foot roof deck.

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REQUIRED COMMISSION ACTION

In order for the Project to proceed, the Commission must grant a Conditional Use Authorization, pursuant to Planning Code Sections 303 and 317 to allow the demolition of an existing two-story, 750 square foot, single family home with one-car garage and the construction of a new four-story, 6,459 square foot, two-dwelling unit building up to approximately 40-feet in height with two off-street parking spaces and two Class 1 bicycle parking spaces.

ISSUES AND OTHER CONSIDERATIONS

- Pursuant to Planning Code 317 (c), “where an application for a permit that would result in the loss of one or more Residential Units is required to obtain Conditional Use Authorization by other sections of this Code, the application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.” This report includes findings for a Conditional Use Authorization in addition to Demolition Criteria established in Planning Code Section 317.

- Whether to allow the replacement of an existing two-story, 750 square foot, three-bedroom single family residence with a new four-story, 6,459 square foot, two-dwelling unit building containing four-bedrooms per unit for a total of eight bedrooms.

- The subject property contains a single-family home and is located within the RH-2 Zoning District. The RH-2 zone allows two units as-of-right. Therefore, the proposed development would maximize the residential density pursuant to the underlying RH-2 zoning.

- **Public Comment.** To date, the Department has received 8 letters of opposition, no letters of support. The letters of opposition are consistent in their concerns pertaining to the project’s height, scale and façade. With regard to height, the comments cite that a 3-story building, rather than the proposed 4-story project, would be more compatible with the neighborhood. With regard to scale, the comments cite that the area of proposed project is too big and out of scale with the surrounding neighborhood. With regard to the façade, comments cite concerns with the quality of the material palate being out of character with the neighborhood.

ENVIRONMENTAL REVIEW

The Project is exempt from the California Environmental Quality Act (“CEQA”) as a Class 1 and 3 categorical exemption [State CEQA Guidelines Section 15301(1) and 15303(b)].

BASIS FOR RECOMMENDATION

The Department finds that the Project is, on balance, consistent with the Planning Code, the Residential Design Guidelines and the Objectives and Policies of the General Plan as follows:

- The Project is located within the RH-2 Zoning District in which residential use, as proposed, is principally-permitted.
- This District is intended to accommodate a greater density than what currently exists on-site. The Project will result in a net gain of one dwelling unit by replacing a single family home with two
dwellings units; thereby, maximizing the permitted density pursuant to the underlying RH-2 Zoning District. The Project, is therefore, an appropriate in-fill development.
- The Project will promote the establishment of family housing in close proximity to mass transit by creating two family-sized dwelling units (four bedrooms per unit) upon a property located within 1.3 miles of two separate BART stations (24th Street Mission and Glen Park BART Stations).
- The Project will increase the number of bedrooms on-site from three to eight total.
- The Project will remove an unsound, vacant dwelling unit.
- The Project will not displace any existing tenants.
- Given the scale of the Project, it is not anticipated that there will be any unusual negative impacts upon the existing capacity of the local street system or MUNI.
- Although the existing building is more than 50-years old, a review of the Historic Resource Evaluation resulted in a determination that the existing building is not a historic resource or landmark.
- The Project meets all applicable requirements of the Planning Code.

ATTACHMENTS:

Draft Motion – Conditional Use Authorization with Conditions of Approval
Plans and Renderings
Environmental Determination
Land Use Data
Maps and Context Photos
Project Sponsor Brief
Soundness Report
ADOPTING FINDINGS RELATING TO THE APPROVAL OF CONDITIONAL USE AUTHORIZATION PURSUANT TO PLANNING CODE SECTIONS 303 AND 317 TO DEMOLISH A TWO- STORY, 750 SQUARE FOOT, SINGLE FAMILY DWELLING AND TO CONSTRUCT A NEW FOUR- STORY, 40- FOOT TALL, 6,459 SQUARE FOOT, TWO- DWELLING UNIT BUILDING WITH TWO OFF- STREET PARKING SPACES, AND TWO CLASS 1 BICYCLE PARKING SPACES LOCATED AT 461 29th STREET, LOT 033 IN ASSESSOR’S BLOCK 6631, WITHIN THE RH- 2 (RESIDENTIAL- HOUSE, TWO FAMILY) ZONING DISTRICT AND A 40- X HEIGHT AND BULK DISTRICT, AND ADOPTING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

PREAMBLE

On April 4, 2008, the Project was determined to be exempt from the California Environmental Quality Act (“CEQA”) under Class 1 and Class 3 Categorical Exemptions under CEQA as described in the determination (ref: 2008.0023E) contained in the Planning Department files for this Project.

On April 1, 2019, Earle Weiss of Earle Weiss Architects (hereinafter “Project Sponsor”) filed Application No. 2008.0023CUA (hereinafter “Application”) with the Planning Department (hereinafter “Department”) for a Conditional Use Authorization to demolish an existing two-story, 750 square foot, single family home with one-car garage and to construct a new four-story, 6,459 square foot, two-dwelling unit building up to approximately 40-feet in height with two off-street parking spaces and two Class 1 bicycle parking spaces (hereinafter “Project”) at 461 29th Street, Block 3639 Lots 006, 007 and 024 (hereinafter “Project Site”).

The Planning Department Commission Secretary is the custodian of records; the File for Record No. 2008.0023CUA is located at 1650 Mission Street, Suite 400, San Francisco, California.
On August 29, 2019, the San Francisco Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting on Conditional Use Authorization Application No. 2008.0023CUA.

The Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of the applicant, Department staff, and other interested parties.

MOVED, that the Commission hereby authorizes the Conditional Use Authorization as requested in Application No. 2008.0023CUA, subject to the conditions contained in “EXHIBIT A” of this motion, based on the following findings:

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The above recitals are accurate and constitute findings of this Commission.

2. **Project Description.** The Project includes the demolition of an existing two-story, 750 square foot, single family home with one-car garage and the construction of a new four-story, 6,459 square foot, two-dwelling unit building up to approximately 40-feet in height with two off-street parking spaces and two Class 1 bicycle parking spaces. The project would also front and rear decks at the fourth floor and a 342 square foot roof deck.

3. **Site Description and Present Use.** The subject property is located on the south side of 29th Street between Noe Street and Sanchez Street, Lot 033 in Assessor’s Block 6631. The subject property is a rectangular-shaped, that measures 25 feet in width by 114 feet in length and occupies 2,848 square feet. The lot is downsloping and currently contains a two-story, 750 square foot, single-family home with a one-car garage. The existing single family home is vacant.

4. **Surrounding Properties and Neighborhood.** The subject property is located within the RH-2 (Residential-House, Two Family) Zoning District. The surrounding neighborhood consists predominantly of two- to three-story single- and multi-family residential buildings. There is also a five-story apartment building located at the corner of 29th Street and Noe Street. The subject property is located within one block of the Upper Noe Recreation Center and within two blocks of Billy Goat Hill and Walter Hass Playground open spaces. The subject property is located equidistant from two separate BART stations, the Glen Park BART station and the 24th Street Mission BART station approximately 1.3 miles away.

5. **Public Comment.** To date, the Department has received 8 letters of opposition, no letters of support. The letters of opposition are consistent in their concerns pertaining to the project’s height, scale and façade. With regard to height, the comments cite that a 3-story building, rather
than the proposed 4-story project, would be more compatible with the neighborhood. With regard to scale, the comments cite that the area of proposed project is too big and out of scale with the surrounding neighborhood. With regard to the façade, comments cite concerns with the quality of the material palate being out of character with the neighborhood.

6. **Planning Code Compliance.** The Commission finds that the Project is consistent with the relevant provisions of the Planning Code in the following manner:

   A. **Residential Demolition.** Planning Code (P.C.) Section 317. Pursuant to P.C. Section 317, Conditional Use Authorization is required for applications proposing residential demolition and the Commission shall consider the replacement structure as part of its decision on the Conditional Use Authorization. This Code section establishes a list of criteria that delineate the relevant General Plan Policies and Objectives.

      As the Project requires Conditional Use Authorization per the requirements of Section 317, the additional criteria specified under Section 317 have been incorporated as findings below. See item 8.

   B. **Front Setback.** Planning Code Section 132 states that the minimum front setback shall be based on the average of adjacent properties or a legislated setback.

      The average front setback of the two adjacent buildings is 1’-7”. The Project proposes a 1’-7” setback; therefore, the Project complies with Planning Code Section 132.

   C. **Rear Yard.** In RH-2 Districts, Planning Code Section 134 requires a rear yard measuring 45% of the total depth generally; however, the required rear yard may be reduced based on the average of the two adjacent properties (but not less than 25% of the lot depth). If a rear yard reduction is sought based on averaging, the last 10 feet of building height shall not exceed a height of 30 feet. Based on the alternative method of averaging, the reduction based on averaging may alternatively be averaged in an irregular manner as established in Planning Code Section 134.

      The Project proposes a 40’-4” rear yard setback based on the average setback of the two adjacent properties (while maintaining at least 25% of the lot depth or 28.5 feet) and also utilizes the alternative method of averaging pursuant to Planning Code Section 134. Additionally, the last 10 feet of building depth does not exceed 30 feet in height. Therefore, the project complies with the rear yard requirement of Planning Code Section 134.

   D. **Usable Open Space.** Planning Code Section 135 requires 125 square feet of usable open space for each dwelling unit if all private, or 166 square feet of common usable open space.

      The Project provides access to the rear yard area for the lower-level dwelling unit, and access to private roof deck for the upper-level unit. The private open space areas for all units exceed the 100 square foot required; therefore, the Project provides Code-compliant open space for all dwelling units.
E. **Dwelling Unit Exposure.** Planning Code Section 140 requires that at least one room for all dwelling units face onto a public street or public alley, at least 30 feet in width, a side yard at least 25 feet in width, a rear yard meeting the requirements of the Code or other open area that meets minimum requirements for area and horizontal dimensions. 

*Both units have direct exposure to 29th Street which possess a qualifying width and to a Code-compliant rear yard; therefore, the Project complies with Planning Code Section 140.*

F. **Off-Street Parking.** Planning Code Section 151 requires one parking space for each dwelling unit, and allows a maximum of three spaces when two are required.

*The proposed two-dwelling unit Project proposes two off-street parking spaces; and therefore, complies with Planning Code Section 151.*

G. **Bicycle Parking.** Planning Code Section 155.2 requires at least one Class 1 bicycle parking space for each dwelling unit.

*The two-dwelling unit Project is required to provide two Class 1 bicycle parking spaces. The Project proposes two Class 1 bicycle parking spaces located in the communal garage; therefore, the Project complies with Planning Code Section 155.2.*

H. **Height.** Planning Code Section 260 requires that all structures be no taller than the height prescribed in the subject height and bulk district. The proposed Project is located in a 40-X Height and Bulk District, with a 40-foot height limit.

*The project proposes the construction of a new 4-story, two-dwelling unit residential building up to 40-foot tall; and therefore, complies with Planning Code Section 260 and the applicable 40-X Height and Bulk District.*

I. **Child Care Requirements for Residential Projects.** Planning Code Section 414A requires that any residential development project that results in at least one net new residential unit shall comply with the imposition of the Residential Child Care Impact Fee requirement.

*The Project proposes new construction of a building that results in one net new dwelling; therefore, the Project is subject to the Residential Child Care Impact Fee and must comply with the requirements outlined in Planning Code Section 414A.*

7. **Planning Code Section 303** establishes criteria for the Planning Commission to consider when reviewing applications for Conditional Use approval. On balance, the project does comply with said criteria in that:
A. The proposed new uses and building, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable, and compatible with, the neighborhood or the community.

The use and size of the proposed project is compatible with the immediate neighborhood. While the project proposes demolition of existing housing, the existing housing is unsound according to a soundness report submitted to the Planning Department. The replacement building increases the total number of units by one and increases the total number of bedrooms by five. The replacement building is also designed to be in keeping with the existing development pattern and the neighborhood character.

B. The proposed project will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity. There are no features of the project that could be detrimental to the health, safety or convenience of those residing or working the area, in that:

i. Nature of proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

The Project is designed to be compatible with the surrounding neighborhood and specifically with both adjacent buildings. The replacement building would provide a 40-foot deep rear yard, thus contributing landscaped area to the mid-block open space.

ii. The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading;

The Planning Code requires a minimum of two parking spaces for the replacement building and allows a maximum of three spaces. The Project provides only two parking spaces within a standard two-car garage and two Class 1 bicycle parking spaces in a manner that is consistent and compatible with similar buildings within the neighborhood.

iii. The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

As the proposed project is residential in nature, unlike commercial or industrial uses, the proposed residential use will not have the potential to produce noxious or offensive emissions.

iv. Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs;

Although designed in a contemporary aesthetic, the façade treatment and materials of the replacement building has been appropriately selected to be harmonious with the existing surrounding neighborhood. At the front yard, the Project provides permeable landscaped planters.
that frame the primary recessed entrance. Open spaces are provided in the form of a rear yard, private decks, and a roof deck.

C. That the use as proposed will comply with the applicable provisions of the Planning Code and will not adversely affect the General Plan.

The Project complies with all relevant requirements and standards of the Planning Code and is consistent with objectives and policies of the General Plan as detailed below.

D. That the use as proposed would provide development that is in conformity with the purpose of the applicable RTO-M District.

The proposed project is consistent with the stated purpose of the RH-2 Zoning District and brings the property to a maximum dwelling unit density permitted by the District.

8. Planning Code Section 317 establishes criteria for the Planning Commission to consider when reviewing applications to demolish or convert Residential Buildings. On balance, the Project does comply with said criteria in that:

i. Whether the Project Sponsor has demonstrated that the residential structure is unsound, where soundness is an economic measure of the feasibility of upgrading a residence that is deficient with respect to habitability and Housing Code requirements, due to its original construction. The soundness factor for a structure shall be the ratio of a construction upgrade to the replacement cost, expressed as a percent. A building is unsound if its soundness factor exceeds 50 percent. A residential building that is unsound may be approved for demolition.

The Project Sponsor has submitted a soundness report, which demonstrates that the repair cost exceeds 50% of the replacement cost for the building proposed to be demolished.

ii. Whether the property is free of a history of serious, continuing code violations;

A review of the Department of Building Inspection and the Planning Department databases showed no enforcement cases or notices of violation for the subject property.

iii. Whether the housing has been maintained in a decent, safe, and sanitary condition;

The existing dwelling is vacant with no known Code-violations; however, the building is unsound due to original design deficiencies, per the soundness report.

iv. Whether the property is an “historic resource” under CEQA;
Although the existing structure is more than 50 years old, a review of the supplemental information resulted in a determination that it is not a historical resource.

v. Whether the removal of the resource will have a substantial adverse impact under CEQA;

Not applicable. The structure is not a historical resource.

vi. Whether the Project converts rental housing to other forms of tenure or occupancy;

The Project does not convert rental housing to other forms of tenure or occupancy, as existing front building is a vacant single-family residence which was previously owner-occupied. There are no restrictions on whether the two new units will be rental or ownership.

vii. Whether the Project removes rental units subject to the Rent Stabilization and Arbitration Ordinance;

The existing single family dwelling is currently vacant. The Planning Department cannot definitively determine whether or not the single family home is subject to the Rent Stabilization and Arbitration Ordinance. This is the purview of the Rent Board; however, based on a site visit the Department can confirm that there is no evidence of any inhabitants in the dwelling.

viii. Whether the Project conserves existing housing to preserve cultural and economic neighborhood diversity;

Although the Project proposes demolition of the existing three-bedroom single-family dwelling, the Project increases the number of dwelling units to two units whose inhabitants could support and contribute toward the cultural and economic diversity of the neighborhood.

ix. Whether the Project conserves neighborhood character to preserve neighborhood cultural and economic diversity;

The replacement building conserves neighborhood character with appropriate scale, design, and materials, and improves cultural and economic diversity by appropriately increasing the number of bedrooms by five, which provides family-sized housing. The Project would increase the existing number of dwelling units by one, while providing a net gain of five bedrooms to the City’s housing stock.

x. Whether the Project protects the relative affordability of existing housing;

The Project does not protect the relative affordability of existing housing, as the project proposes demolition of the existing building and construction of two new dwellings. However, it should be taken into consideration that the existing building is an unsound structure, and that the proposed
structure offers family-sized units, including a 2,988 square foot, 4-bedroom, 4-bath unit and a 2,896 square foot, 4-bedroom, 3.5-bath unit.

xi. Whether the Project increases the number of permanently affordable units as governed by Section 415;

The Project is not subject to the provisions of Planning Code Section 415, and the Project is not an Affordable Housing Development. The Project neither removes nor creates permanently affordable housing.

xii. Whether the Project locates in-fill housing on appropriate sites in established neighborhoods;

The subject property is located within the RH-2 Zoning District. This District is intended to accommodate a greater density than what currently exists on this underutilized lot, and several of the surrounding properties reflect this ability to accommodate the maximum density. As a two-dwelling unit building that replaces the existing single family home, the Project maximizes the dwelling unit density of the RH-2 Zoning District and; is therefore, an appropriate in-fill development. The Project has been designed to be in keeping with the scale and development pattern of the established neighborhood character.

xiii. Whether the Project creates quality, new family housing;

The Project proposes two new family-sized housing units. Two 4-bedroom dwelling units are proposed. The average dwelling unit size is 2,942 square feet.

xiv. Whether the Project creates new supportive housing;

The Project does not create supportive housing.

xv. Whether the Project promotes construction of well-designed housing to enhance existing neighborhood character;

The overall scale, design, and materials of the proposed building is consistent with the block-face and compliments the neighborhood character with a contemporary design.

xvi. Whether the Project increases the number of on-site dwelling units;

The Project would increase the number of on-site units from one to two, a net increase of one dwelling unit.

xvii. Whether the Project increases the number of on-site bedrooms.
The project would increase the number of on-site bedrooms from three to eight, a net increase of five bedrooms. The Project proposes two 4-bedroom units.

9. **General Plan Compliance.** The Project is, on balance, consistent with the following Objectives and Policies of the General Plan:

**HOUSING ELEMENT**

**OBJECTIVE 2:**
RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

**Policy 2.1**
Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

*The Project proposes demolition of an unsound residential structure containing a three-bedroom, single family home. However, the new construction proposed will result in two units which will have a net addition of five bedrooms, and thereby contribute to the general housing stock of the City.*

**OBJECTIVE 3:**
PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

**Policy 3.1**
Preserve rental units, especially rent-controlled units, to meet the City’s affordable housing needs.

**Policy 3.3**
Maintain balance in affordability of existing housing stock by supporting affordable moderate ownership opportunities.

**Policy 3.4**
Preserve “naturally affordable” housing types, such as smaller and older ownership units.

*While the Project will demolish an existing, vacant single family home, the new construction will replace and unsound building and result in an increase in the density of the property by contributing one net new dwelling unit and a net increase of five bedrooms to the City’s housing stock.*

**OBJECTIVE 11:**
SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO’S NEIGHBORHOODS.
Policy 11.1
Promote the construction and rehabilitation of well-designed housing that emphasizes beauty, flexibility, and innovative design, and respects existing neighborhood character.

Policy 11.2
Ensure implementation of accepted design standards in project approvals.

Policy 11.3
Ensure growth is accommodated without substantially and adversely impacting existing residential neighborhood character.

Policy 11.4
Continue to utilize zoning districts which conform to a generalized residential land use and density plan and the General Plan.

Policy 11.6
Foster a sense of community through architectural design, using features that promote community interaction.

Policy 11.8
Consider a neighborhood’s character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The proposed Project is appropriate in terms of material, scale, proportions, and massing for the surrounding neighborhood. Furthermore, the Project results in an increase in density on the site while maintaining compliance with the requirements of the Planning Code.

URBAN DESIGN ELEMENT

Objectives and Policies

OBJECTIVE 1:
EMPHASIS OF THE CHARACTERISTIC PATTERN WHICH GIVES TO THE CITY AND ITS NEIGHBORHOODS AN IMAGE, A SENSE OF PURPOSE, AND A MEANS OF ORIENTATION.

Policy 1.2
Recognize, protect and reinforce the existing street pattern, especially as it is related to topography.

Policy 1.3
Recognize that buildings, when seen together, produce a total effect that characterizes the city and its districts.

The proposed replacement building reflects the existing neighborhood character and development pattern. The Project’s composition upon the property, height, massing, scale, proportions, and façade width are compatible with those of surrounding buildings. The proposed ground floor entrance is is appropriate given the presence of ground floor entrances of adjacent neighbors in the immediate area. A well-defined street wall punctuated by a two-story vertical bay window reflects a prevailing pattern found along the block face.

OBJECTIVE 2:
CONSERVATION OF RESOURCES WHICH PROVIDE A SENSE OF NATURE, CONTINUITY WITH THE PAST, AND FREEDOM FROM OVERCROWDING.

Policy 2.6
Respect the character of older development nearby in the design of new buildings.

The massing of the replacement building has been designed to be compatible with the prevailing street wall height, including the height and proportions of the adjacent buildings. Although interpreted in a contemporary architectural style, the proposed building proportions and exterior materials have been selected to be compatible with the adjacent buildings and the immediate neighborhood character.

OBJECTIVE 4:
IMPROVEMENT OF THE NEIGHBORHOOD ENVIRONMENT TO INCREASE PERSONAL SAFETY, COMFORT, PRIDE AND OPPORTUNITY.

Policy 4.13
Improve pedestrian areas by providing human scale and interest.

The Project provides a recessed entry flanked by fixed landscape planters and new pavers. The building features a vertical bay window that is in-keeping with the neighborhood character and will provide eyes on the street to promote safety. The Project proposes a new 24”-box street tree along the sidewalk to improve the pedestrian realm.

10. Planning Code Section 101.1(b) establishes eight priority-planning policies and requires review of permits for consistency with said policies. On balance, the project complies with said policies in that:

A. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses be enhanced.
The project site does not possess any neighborhood-serving retail uses. The Project provides two new dwelling units which will enhance the nearby retail uses by providing new residents, who may patron and/or own these businesses.

B. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods.

The Project is compatible with the existing housing and neighborhood character of the immediate neighborhood. The Project proposes a height and scale that is compatible with the adjacent neighbors and add an additional dwelling unit, which is consistent with the density intent of the underlying RH-2 Zoning District and surrounding neighborhood.

C. That the City’s supply of affordable housing be preserved and enhanced,

The existing building is not an affordable housing project and the Project is not required to provide affordable housing.

D. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking.

It is not anticipated that the Project would adversely affect automobile traffic congestion or create parking problems in the neighborhood in that its two-garage parking and configuration is consistent with other properties in the surrounding neighborhood. The Project would enhance neighborhood parking opportunities by providing two off-street parking spaces where currently only one space exists.

E. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced.

The Project is a residential project in and RH-2 District; therefore, the Project would not affect industrial or service sector uses or related employment opportunities. Ownership of industrial or service sector businesses would not be affected by the Project.

F. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake.

The Project will be designed and will be constructed to conform to the structural and seismic safety requirements of the Building Code and would meet all earthquake safety requirements.

G. That landmarks and historic buildings be preserved.

The Project Site does not contain any City Landmarks or historic buildings.
H. That our parks and open space and their access to sunlight and vistas be protected from development.

The Project will have no negative impact on existing parks and open spaces. The Project does not exceed the 40-foot height limit and; is therefore, not subject to the requirements of Planning Code Section 295- Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission. The height of the proposed structures is compatible with the established neighborhood development pattern.

11. The Project is consistent with and would promote the general and specific purposes of the Code provided under Section 101.1(b) in that, as designed, the Project would contribute to the character and stability of the neighborhood and would constitute a beneficial development.

12. The Commission hereby finds that approval of the Conditional Use Authorization would promote the health, safety and welfare of the City.
DECISION

That based upon the Record, the submissions by the Applicant, the staff of the Department and other interested parties, the oral testimony presented to this Commission at the public hearings, and all other written materials submitted by all parties, the Commission hereby APPROVES Conditional Use Authorization Application No. 2008.0023CUA subject to the following conditions attached hereto as “EXHIBIT A” in general conformance with plans on file, dated January 16, 2019, and stamped “EXHIBIT B”, which is incorporated herein by reference as though fully set forth.

APPEAL AND EFFECTIVE DATE OF MOTION: Any aggrieved person may appeal this Conditional Use Authorization to the Board of Supervisors within thirty (30) days after the date of this Motion. The effective date of this Motion shall be the date of this Motion if not appealed (after the 30-day period has expired) OR the date of the decision of the Board of Supervisors if appealed to the Board of Supervisors. For further information, please contact the Board of Supervisors at (415) 554-5184, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

Protest of Fee or Exaction: You may protest any fee or exaction subject to Government Code Section 66000 that is imposed as a condition of approval by following the procedures set forth in Government Code Section 66020. The protest must satisfy the requirements of Government Code Section 66020(a) and must be filed within 90 days of the date of the first approval or conditional approval of the development referencing the challenged fee or exaction. For purposes of Government Code Section 66020, the date of imposition of the fee shall be the date of the earliest discretionary approval by the City of the subject development.

If the City has not previously given Notice of an earlier discretionary approval of the project, the Planning Commission’s adoption of this Motion, Resolution, Discretionary Review Action or the Zoning Administrator’s Variance Decision Letter constitutes the approval or conditional approval of the development and the City hereby gives NOTICE that the 90-day protest period under Government Code Section 66020 has begun. If the City has already given Notice that the 90-day approval period has begun for the subject development, then this document does not re-commence the 90-day approval period.

I hereby certify that the Planning Commission ADOPTED the foregoing Motion on August 29, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NAYS:

ABSENT:

ADOPTED: August 29, 2019
EXHIBIT A

AUTHORIZATION

This authorization is for a Conditional Use Authorization to allow the demolition of an existing two-story, 750 square foot, single family home with one-car garage and the construction of a new four-story, 6,459 square foot, two-dwelling unit building up to approximately 40-feet in height with two off-street parking spaces and two Class 1 bicycle parking spaces located at 461 29th Street, Block 6631, Lot 033, pursuant to Planning Code Section(s) 303 and 317 within the RH-2 District and a 40-X Height and Bulk District; in general conformance with plans, dated January 16, 2019, and stamped “EXHIBIT B” included in the docket for Record No. 2008.0023CUA and subject to conditions of approval reviewed and approved by the Commission on August 29, 2019 under Motion No XXXXXX. This authorization and the conditions contained herein run with the property and not with a particular Project Sponsor, business, or operator.

RECORDATION OF CONDITIONS OF APPROVAL

Prior to the issuance of the building permit or commencement of use for the Project the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property. This Notice shall state that the project is subject to the conditions of approval contained herein and reviewed and approved by the Planning Commission on August 29, 2019 under Motion No XXXXXX.

PRINTING OF CONDITIONS OF APPROVAL ON PLANS

The conditions of approval under the 'Exhibit A' of this Planning Commission Motion No. XXXXXX shall be reproduced on the Index Sheet of construction plans submitted with the site or building permit application for the Project. The Index Sheet of the construction plans shall reference to the Conditional Use authorization and any subsequent amendments or modifications.

SEVERABILITY

The Project shall comply with all applicable City codes and requirements. If any clause, sentence, section or any part of these conditions of approval is for any reason held to be invalid, such invalidity shall not affect or impair other remaining clauses, sentences, or sections of these conditions. This decision conveys no right to construct, or to receive a building permit. “Project Sponsor” shall include any subsequent responsible party.

CHANGES AND MODIFICATIONS

Changes to the approved plans may be approved administratively by the Zoning Administrator. Significant changes and modifications of conditions shall require Planning Commission approval of a new Conditional Use authorization.
Conditions of Approval, Compliance, Monitoring, and Reporting

PERFORMANCE

1. **Validity.** The authorization and right vested by virtue of this action is valid for three (3) years from the effective date of the Motion. The Department of Building Inspection shall have issued a Building Permit or Site Permit to construct the project and/or commence the approved use within this three-year period.

   *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

2. **Expiration and Renewal.** Should a Building or Site Permit be sought after the three (3) year period has lapsed, the project sponsor must seek a renewal of this Authorization by filing an application for an amendment to the original Authorization or a new application for Authorization. Should the project sponsor decline to so file, and decline to withdraw the permit application, the Commission shall conduct a public hearing in order to consider the revocation of the Authorization. Should the Commission not revoke the Authorization following the closure of the public hearing, the Commission shall determine the extension of time for the continued validity of the Authorization.

   *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

3. **Diligent pursuit.** Once a site or Building Permit has been issued, construction must commence within the timeframe required by the Department of Building Inspection and be continued diligently to completion. Failure to do so shall be grounds for the Commission to consider revoking the approval if more than three (3) years have passed since this Authorization was approved.

   *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

4. **Extension.** All time limits in the preceding three paragraphs may be extended at the discretion of the Zoning Administrator where implementation of the project is delayed by a public agency, an appeal or a legal challenge and only by the length of time for which such public agency, appeal or challenge has caused delay.

   *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

5. **Conformity with Current Law.** No application for Building Permit, Site Permit, or other entitlement shall be approved unless it complies with all applicable provisions of City Codes in effect at the time of such approval.

   *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*
DESIGN – COMPLIANCE AT PLAN STAGE

6. **Final Materials.** The Project Sponsor shall continue to work with Planning Department on the building design. Final materials, glazing, color, texture, landscaping, and detailing shall be subject to Department staff review and approval. The architectural addenda shall be reviewed and approved by the Planning Department prior to issuance.

   *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

7. **Garbage, composting and recycling storage.** Space for the collection and storage of garbage, composting, and recycling shall be provided within enclosed areas on the property and clearly labeled and illustrated on the building permit plans. Space for the collection and storage of recyclable and compostable materials that meets the size, location, accessibility and other standards specified by the San Francisco Recycling Program shall be provided at the ground level of the buildings.

   *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

8. **Rooftop Mechanical Equipment.** Pursuant to Planning Code 141, the Project Sponsor shall submit a roof plan to the Planning Department prior to Planning approval of the building permit application. Rooftop mechanical equipment, if any is proposed as part of the Project, is required to be screened so as not to be visible from any point at or below the roof level of the subject building.

   *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

9. **Landscaping.** Pursuant to Planning Code Section 132, the Project Sponsor shall submit a site plan to the Planning Department prior to Planning approval of the building permit application indicating that 50% of the front setback areas shall be surfaced in permeable materials and further, that 20% of the front setback areas shall be landscaped with approved plant species. The size and specie of plant materials and the nature of the permeable surface shall be as approved by the Department of Public Works.

   *For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org*

PARKING AND TRAFFIC

10. **Bicycle Parking.** The Project shall provide no fewer than two Class 1 bicycle parking spaces as required by Planning Code Sections 155.1 and 155.2.

   *For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org*

11. **Parking Maximum.** Pursuant to Planning Code Section 151.1, the Project shall provide no more than three off-street parking spaces.
12. **Parking Requirement.** Pursuant to Planning Code Section 151, the Project shall provide two (2) independently accessible off-street parking spaces.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

PROVISIONS

13. **Child Care Fee - Residential.** The Project is subject to the Residential Child Care Fee, as applicable, pursuant to Planning Code Section 414A.

For information about compliance, contact the Case Planner, Planning Department at 415-558-6378, www.sf-planning.org

MONITORING - AFTER ENTITLEMENT

14. **Enforcement.** Violation of any of the Planning Department conditions of approval contained in this Motion or of any other provisions of Planning Code applicable to this Project shall be subject to the enforcement procedures and administrative penalties set forth under Planning Code Section 176 or Section 176.1. The Planning Department may also refer the violation complaints to other city departments and agencies for appropriate enforcement action under their jurisdiction.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org

15. **Revocation due to Violation of Conditions.** Should implementation of this Project result in complaints from interested property owners, residents, or commercial lessees which are not resolved by the Project Sponsor and found to be in violation of the Planning Code and/or the specific conditions of approval for the Project as set forth in Exhibit A of this Motion, the Zoning Administrator shall refer such complaints to the Commission, after which it may hold a public hearing on the matter to consider revocation of this authorization.

For information about compliance, contact Code Enforcement, Planning Department at 415-575-6863, www.sf-planning.org
Dear Commissioners,

I'm writing to comment on the Notice of Public Hearing I received in the mail for the project at 461 29th Street.

As a neighbor, I am opposed to the current design. I'm concerned about:

1. **Height** - it would be better without the 4th story. The building should be 3 stories, like the entire side of the street. The ground floor and the basement at the rear should be utilized for extra space. It is out of scale.

2. **Scale** - This project is way too big and demolishing a 750 sq ft to replace it with a 6459 sq ft one is not affordable by design. It is greedy by the speculative developer and inappropriate for the surrounding neighborhood.

3. **Facade** - once again, the neighborhood is presented with a cheap looking, bland, "modern" style. We feel there is good modern, and bad, and this is bad. The flat front, large windows, and shoddy materials are nondescript and add nothing to the character of our neighborhood.

Sincerely,
Emme Klama
447 29th Street

Emme Klama ASID | Interior Designer
License #2004458
Levine Architects
p. 415.282.4643
w. www.levinearch.com
Hi Chris,

We are writing to comment on the Notice of Public Hearing we received in the mail for the project at 461 29th Street.

As a neighbor, we're concerned about:

1. The height - it would be better without the 4th story. The building should be 3 stories, like the adjoining properties. The ground floor should be utilized for extra space.
2. Please revise the facade - once again, the neighborhood is presented with a cheap looking, band, 'modern' style. We feel there is good modern, and bad, and this is bad. The flat front, large windows, and shoddy materials are nondescript and add nothing to the character of our neighborhood.

We would prefer the architect revise the plans.

Thanks,
Hillary & Zach
444 29th Street
Dear Chris,

I'm writing to comment on the Notice of Public Hearing I received in the mail for the project at 461 29th Street.

As a neighbor, I'm concerned about:

1. The height - it would be better without the 4th story. The building should be 3 stories, like the adjoining properties. The ground floor should be utilized for extra space.

2. Please revise the facade - once again, the neighborhood is presented with a cheap looking, bland, "modern" style. We feel there is good modern, and bad, and this is bad. The flat front, large windows, and shoddy materials are nondescript and add nothing to the character of our neighborhood.

We would prefer that the architect revise the plans.

Sincerely,

Jennifer Mills
475 29th Street
Dear Commissioners,

**We are writing to comment on the Notice of Public Hearing we received in the mail for the project at 461 29th Street.**

Amy and I, at 427-29th Street, along with several of our neighbors, are opposed to the current design.

We have the following concerns:

1. **Height** - it would be better without the 4th story. The building should be 3 stories, like the entire side of the street. The ground floor and the basement at the rear should be utilized for extra space. It is out of scale.

2. **Scale** - This project is way too big and demolishing a 750 sq ft to replace it with a 6459 sq ft one is not affordable by design. It is greedy by the speculative developer and inappropriate for the surrounding neighborhood.

3. **Facade** - once again, the neighborhood is presented with a cheap looking, bland, "modern" style. We feel there is good modern, and bad, and this is bad. The flat front, large windows, and shoddy materials are nondescript and add nothing to the character of our neighborhood.

Kristin Belshaw and Amy Hood
427-29th Street
San Francisco, CA 94131
I am writing in opposition to the proposed destruction of the building at 461 - 29th Street, and the proposed construction of an ugly, out-of-scale, building in its place.

I first learned about the proposed demolition of the current structure in January 2018, when a notice was mailed out stating that the property owner had applied for a demolition permit.

I attempted to get a copy of the plans for the proposed new structure. I was eventually directed to Mr. Chris Townes. Mr. Townes was uncooperative in the extreme. He refused to let me see the new plans unless I filled out a formal request. I did so, and personally delivered it to his office. I then never heard back from Mr. Townes, despite sending several emails to him asking about the status of my request.

I did not see a copy of the proposed new building until yesterday, when one of the neighbors who apparently had better luck with Mr. Townes emailed a copy. I was not surprised to see that the proposed structure looks like something that a prison architect would design. That seems to be the style that is in vogue lately.

I do not believe that the current building should be demolished. I see that there was a CEQA evaluation done in 2008, without any public input or notice whatsoever. That report states that the structure has no historical significance because of alterations "that include raising the building to insert a garage, recladding the building in stucco... alteration of the front entrance configuration [and] reconfiguring the roof form..." If that is true, it must have all happened before 1939, because I have a 1939 photo (attached) which shows the building essentially as it is today

In fact, the front of the building, particularly the roof form, is quite unique. All it would take to make it attractive would be a broom and a little paint. But, sadly, the building has been deliberately neglected over the last several years, in a rather transparent attempt to let it get run down in order to try to justify its demolition. I do not know the condition of the inside of the building, but I know of no evidence that it is unsound structurally.

Whoever the owners of the property are, they made zero attempt to discuss their plans with the neighbors. I live almost directly across the street, and have since 1984, but have never heard word one from any property owner about their plans.

I am not opposed to a proper building plan to improve this property. In fact, I like the idea of turning the building into a two-unit structure, thus increasing the supply of housing in our neighborhood and in San Francisco.

However, I do oppose:

1- The demolition of the current structure. What exists, particularly the unique facade, should be the basis of an appropriate expansion.

2- The construction of a four-floor building, entirely out of scale of any of the buildings on either side of the property, or anywhere on that side of the block. Only rich people could afford to buy one of the two 3,000-
plus square foot units. Something a little more humble would be of much greater value to the neighborhood.

3-
A facade that looks like the building *landed from outer space*.

But, as usual, I suspect that the fix is in, profit rules and that's that.

Sincerely yours,
Marc Norton
468 - 29th Street
San Francisco, CA 94131
(415) 648-2535
Dear Chris,

I'm writing to comment on the Notice of Public Hearing I received in the mail for the project at 461 29th Street.

As a neighbor, I'm concerned about the front facade. Specifically I am concerned about the change from a cute house that fits within the style of the neighborhood and has some charm to one that does not. Please revise the facade - the front design submitted with what appear to be somewhat cheap materials is nondescript and does not maintain or add to the character of our neighborhood.

We would prefer that the architect revise the plans to better mirror the charm of the block. Please let me know if you have any questions

Sincerely,
Merilee McDougal
487 29th St, San Francisco, CA 94131
Dear Chris,

We are writing to comment on the Notice of Public Hearing we received for the project at 461 29th Street.

As a neighbor residing on 29th street, we are in total opposition to the construction of this 4-story building. Our concerns are:

1. The 4-story height. All adjacent properties are 3 stories, and this building should not exceed the surrounding height so as to integrate into the predominant massing. The building should be limited to 3 stories, like the adjoining properties. The ground floor should be utilized for extra space.

2. Ugly facade - The facade as proposed is a cheap looking, bland, and so-called "modern" style. We feel there is good modern, and bad, and this is bad. The flat front, large windows, and shoddy materials are nondescript and add nothing to the character of our neighborhood.

We request that the architect revise the facade and reduce the height of 461 29th Street.

Sincerely,

Philip Cohen  
Debra Dale  
Owners  
430 29th Street
Dear Chris,

I’m writing to comment on the Notice of Public Hearing I received in the mail for the project at 461 29th Street.

As a neighbor, I’m concerned about:

1. The height - it would be better without the 4th story. The building should be 3 stories, like the adjoining properties. The ground floor should be utilized for extra space.

2. Please revise the facade - our neighborhood has historically been filled with charm and a historical feel. The flat front, large windows, and shoddy materials are nondescript and do not match or add to the character of our neighborhood. We would prefer that the architect revise the plans.

As homeowners who have repeatedly looked at expanding our own home so we can have enough space to raise our children, we are getting extremely frustrated by the disparities that keep emerging. True, longterm residents are extremely limited in options, but developers can come in and do anything they want regardless of the negative impact on the neighborhood. We need to set back and loose valuable square footage, which with the astronomical costs of building in this city is basically making it unaffordable for us to build and may eventually result in our need to leave the city entirely. This is supposedly “to maintain the historic character of our home and neighborhood. However we now have two massive modern buildings that are extremely out of character on our block, and now a 4 story is being proposed? It is extremely unfair that developers can keep coming in, destroying old homes and then building completely out of character with the rest of the neighborhood as a whole. Maintaining San Francisco’s history is important, and the onus of maintaining that character and charm must be equally shared by all. We believe you should have a right to creative freedom in building, but all good design needs to show awareness and work in harmony with the existing surroundings as well.

Two units are fine, but four stories in a neighborhood such as this, is not.

Sincerely,
Tiffany Wade & James DeWald
426 29th St
San Francisco, CA 94131
Date: April 1, 2008  
Case No.: 2008.0023E  
Project Title: 461 29th Street  
Zoning: RH-2 (Residential House District, Two-Family)  
40-X Height and Bulk District  
Block/Lot: 6631/033  
Lot Size: 2,850 square feet  
Project Sponsor: Kieran Boughan, Authorized Agent for Owner Michael Berghofer, (415) 244-0849  
Staff Contact: Chelsea Fordham – (415) 575-9071  
Chelsea.Fordham@sfgov.org

PROJECT DESCRIPTION:

The 2,850 square-foot project site is located on the southern side of 29th Street on a block bounded by Sanchez Street to the east and Noe Street to the west in San Francisco’s Noe Valley neighborhood. The proposed project would demolish the existing 907-square foot, one-story over garage, single-family residence constructed between approximately 1880 and 1886 and construct a new 3,687- square foot, three-story, two-unit duplex residential building.

[Continued on the next page.]

EXEMPT STATUS:

Categorical Exemption, Class 1 and 3 [State CEQA Guidelines Section 15301(l) and 15303(b)]

REMARKS:

Please see next page.

DETERMINATION:

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

Bill Wycko  
Acting Environmental Review Officer

cc:
Kieran Boughan, Project Sponsor  
Delvin Washington, Neighborhood Planning Southwest Team Leader  
Bevan Duffy, District 8, Board of Supervisors  
Historic Distribution List  
Virna Byrd, M.D.F.

Exemption File  
Bulletin Board

April 4, 2008  
Date

2008.0023E
PROJECT DESCRIPTION (Continued):

The existing residential building is approximately 21 feet in height and the new proposed residential building would be up to 30 feet in height. In addition, the existing building currently has one off-street parking space and the proposed new building would have two off-street parking spaces. The proposed project would require conditional use authorization for the demolition of a residential structure per Board of Supervisor's Resolution No. 122-07.

REMARKS:

In evaluating whether the proposed project would be exempt from environmental review under the California Environmental Quality Act (CEQA), the Planning Department considered whether or not the building at 461 29th Street is a historical resource as defined by CEQA. In a memorandum dated March 20, 2008, the Planning Department determined that the existing building on the project site, which has no historical ratings, is not an historical resource as defined by CEQA.1

As described in the memorandum, the project site does not appear to be eligible for individual listing on the California Register of Historic Places based on events, persons, or architecture.2 Although the subject building retains integrity with respect to location, it lacks integrity with respect to association, design, workmanship, setting, feeling and materials. For these reasons, the demolition of the existing residential building at 461 29th Street would not result in significant effects on an individual historic resource.

The existing building on the project site is a 907 square-foot, one-story-over-garage, wood-frame, single-family dwelling clad in stucco with a Mission Revival-themed parapet that conceals a flat roof. The project site appears to have been constructed circa 1886, and was one of the earliest buildings constructed on the residential block. The front elevation of the building is composed in three bays, with a central entrance flanked by aluminum windows on either side. A flat roofed portico projects over the front entrance, which contains a solid wooden door. Even though the project site is one of the oldest extant residential structures on the subject block, the integrity of the building has been significantly comprised through alterations that include raising the building to insert a garage, re-cladding the building to stucco, replacement of original wood windows with aluminum sliders, and alteration of the front entrance configuration.

The project site is located within an area that was formerly known as Horner's Addition, and which is now known as Upper Noe Valley. A mix of architectural styles characterizes 29th Street at the project location, including one-, two-, and three-story residential buildings constructed in the early and mid-twentieth century in a range of architectural styles including Marina and Mediterranean Revival style buildings and modified Queen Anne and Craftsman style residences. It does not appear that the project site is located within a potential historic district. Therefore, the proposed project would not have an adverse effect on off-site historical resources as defined by CEQA.3

1 Historic Resource Evaluation Response Memorandum for 461 29th Street from Sophie Middlebrook, Preservation Planner, to Chelsea Fordham, Major Environmental Analysis March 20, 2008. A copy of this memorandum is attached.
2 Ibid.
3 Ibid.
Due to proposed localized excavation, the Planning Department conducted a study to determine if any archeological resources would be impacted. In a memorandum dated February 27, 2008, the Planning Department staff determined that there appears to be no CEQA-significant archaeological deposits present at the project site. The localized excavation has the potential to disturb soils. However, the proposed ground disturbance would be shallow and limited to 5 feet below ground surface (b.g.s.). Therefore, the proposed project would not adversely affect CEQA-significant archaeological resources.

CEQA State Guidelines Section 15301(l)(1), or Class 1, provides an exemption from environmental review for the demolition of a single-family residential structure or up to three single-family residential structures in urbanized areas. Additionally, CEQA Guidelines Section 15303(b), or Class 3, provides an exemption from environmental review for the construction of a duplex or similar multi-family residence totaling no more than six dwelling units in urbanized areas. The proposed project would result in the demolition of one 907 square-foot single-family residential structure and the construction of a 3,687-square foot two-unit duplex residential building. Therefore, the proposed project would be exempt from environmental review under Class 1 and 3.

CEQA State Guidelines Section 15300.2 states that a categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. There are no unusual circumstances surrounding the current proposal that would suggest a reasonable possibility of a significant effect. The proposed project would have no significant environmental effects. The project would be exempt under the above-cited classification. For the above reasons, the proposed project is appropriately exempt from environmental review.

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4 Memorandum from Randall Dean/Dou Lewis, San Francisco Planning Department to Chelsea Fordham, San Francisco Planning Department, February 27, 2008. A copy of this memorandum is available for public review by appointment at the Planning Department, 1650 Mission Street, 4th Floor, as part of Case File No. 2008.0023E.
Historic Resource Evaluation Response

MEA Planner: Chelsea Fordham
Project Address: 461 29th Street
Block/Lot: 6631/033
Case No.: 2008.0023E
Date of Review: March 20, 2008
Planning Dept. Reviewer: Sophie Middlebrook
(415) 558-6372 | sophie.middlebrook@sfgov.org

PROPOSED PROJECT

☐ Demolition  ☐ Alteration

PROJECT DESCRIPTION

The proposed project includes the demolition of the existing one-story, single-family dwelling and the construction of a new two-story, two-family residential building. Preliminary plans of the proposed new building have been submitted to the Department with the Environmental Exemption application, and a building permit application has been filed.

PRE-EXISTING HISTORIC RATING / SURVEY

The County Assessor records indicate that the building was constructed in 1900; however, information submitted by the Project Sponsor indicates that the building was constructed sometime prior to 1886, and sometime after the completion of the 1880 census. Although the subject building is not included on any historic surveys and is not included on the National or the California Registers, its recorded date of construction makes it a “Category B” building for the purposes of CEQA review by the Planning Department.¹

HISTORIC DISTRICT / NEIGHBORHOOD CONTEXT

The subject building is located on the south side of 29th Street, between Noe and Sanchez Streets, within an RH-2 Zoning District and a 40-X Height and Bulk District. The subject property is located within what was formerly known as Horner’s Addition, now known as Upper Noe Valley. A mix of architectural styles characterizes 29th Street at this location, including one-, two-, and three-story residential buildings constructed in the early and mid-twentieth century in a range of architectural styles including Marina and Mediterranean Revival style buildings and modified Queen Anne and Craftsman style residences. It does not appear that the subject property is located within a potential historic district for the purposes of CEQA.

¹ Please see “Preservation Bulletin #16,” available online at:
http://www.sfgov.org/site/uploadedfiles/planning/projects_reports/PresBulletin16CEQA10_8_04.PDF (November 2, 2007)

www.sfplanning.org
1. **California Register Criteria of Significance**: Note, a building may be an historical resource if it meets any of the California Register criteria listed below. If more information is needed to make such a determination please specify what information is needed. (*This determination for California Register Eligibility is made based on existing data and research provided to the Planning Department by the above named preparer / consultant and other parties. Key pages of report and a photograph of the subject building are attached.*)

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**If Yes; Period of significance:**

Notes: Below is an evaluation of the subject property against the criteria for inclusion on the California Register; it does not appear that the subject property is eligible for the Register.

*Criterion 1: It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;*

As noted above, the subject property appears to have been constructed circa 1886, and was one of the earliest buildings constructed on the residential block. The 1886 Sanborn Fire Insurance map illustrates that the subject building was one of only ten extant buildings on the block; information submitted by the project sponsor illustrates that in 1886 the block was sparsely populated but that by 1914 a regular pattern of residential development had been established. However, the subject building does not appear to represent a trend or the collective history of the site or area. It does not appear that the subject building is associated with events that have made a significant contribution to the broad patterns of local or regional history.

*Criterion 2: It is associated with the lives of persons important in our local, regional, or national past;*

Information from City Directories, the Spring Water Valley Company records, and newspaper searches provided by the Project Sponsor indicates that an early owner of the subject property was Thomas McGreary, whose signature appears on the water connection application. No persons of known historical significance appear to have been associated with the subject property.

*Criterion 3: It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values;*

The subject building is a one-story-over-garage, wood-frame, single-family dwelling clad in stucco with a Mission Revival-themed parapet that conceals a flat roof. The front elevation is composed in three bays, with a central entrance flanked by aluminum windows on either side. A flat roofed portico projects over the front entrance, which contains a solid wooden door.
As noted above, the subject building is one of the oldest extant residential structures on the block. However, the integrity of the building has been significantly compromised through alterations that include raising the building to insert a garage, re-cladding the building in stucco, replacement of original wood windows with aluminum sliders, and the alteration of the front entrance configuration. The subject building does not appear to be individually eligible for the California Register as a structure that contributes to the evolution of a construction type. As noted above, the subject property does not appear to be located within a potential historic district.

Criterion 4: It yields, or may be likely to yield, information important in prehistory or history;

It does not appear that the subject property is likely to yield information important to a better understanding of prehistory or history.

2. Integrity is the ability of a property to convey its significance. To be a resource for the purposes of CEQA, a property must not only be shown to be significant under the California Register criteria, but it also must have integrity. To retain historic integrity a property will always possess several, and usually most, of the aspects. The subject property has retained or lacks integrity from the period of significance noted above:

Location: ☒ Retains ☐ Lacks
Association: ☐ Retains ☒ Lacks
Design: ☐ Retains ☒ Lacks
Workmanship: ☐ Retains ☒ Lacks
Setting: ☐ Retains ☒ Lacks
Feeling: ☐ Retains ☒ Lacks
Materials: ☐ Retains ☒ Lacks

Notes: As evidenced in the construction history provided by the project sponsor, the subject building has been significantly altered and its integrity has been compromised. As a result of alterations that include re-cladding the wood building in stucco, reconfiguring the roof form and entrance, raising the building to insert a garage at the ground level, and replacement of original windows and doors, the structure does not convey historic significance. As noted above, it does not appear that the subject building is eligible for the California Register.

3. Determination Whether the property is an “historical resource” for purposes of CEQA

☒ No Resource Present (Go to 6. below) ☐ Historical Resource Present (Continue to 4.)

4. If the property appears to be an historical resource, whether the proposed project is consistent with the Secretary of Interior’s Standards or if any proposed modifications would materially impair the resource (i.e. alter in an adverse manner those physical characteristics which justify the property’s inclusion in any registry to which it belongs).

☐ The project appears to meet the Secretary of the Interior’s Standards. (Go to 6. below)

Optional: ☐ See attached explanation of how the project meets standards.
The project is NOT consistent with the Secretary of the Interior’s Standards and is a significant impact as proposed. (Continue to 5. if the project is an alteration)

5. Character-defining features of the building to be retained or respected in order to avoid a significant adverse effect by the project, presently or cumulatively, as modifications to the project to reduce or avoid impacts. Please recommend conditions of approval that may be desirable to mitigate the project’s adverse effects.

6. Whether the proposed project may have an adverse effect on off-site historical resources, such as adjacent historic properties.

☐ Yes  ☒ No  ☐ Unable to determine

Notes: As noted above, the subject building does not appear to be an historic resource, nor does the subject property appear to be located within a potential designated historic district.

PRESERVATION COORDINATOR REVIEW

Signature: Mark Luellen, Preservation Coordinator

Date: 3-20-08

CC:
Sonya Banks, Recording Secretary, Landmarks Preservation Advisory Board
Virnaliza Byrd / Historic Resource Impact Review File
Elizabeth Watty, Neighborhood Planner, SW Quadrant

G:\DOCUMENTS\historic\461 29th Street.doc
North elevation
Sanborn Map*

*The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.

Conditional Use Authorization
Case Number 2008.0023CUA
461 29th Street
Aerial Photo

Conditional Use Authorization
Case Number 2008.0023CUA
461 29th Street
Conditional Use Authorization  
Case Number 2008.0023CUA  
461 29th Street
Looking East Along 29th Street
Conditional Use Authorization
Case Number 2008.0023CUA
461 29th Street
**PLANNING NOTES**

1. **BUILDING TYPE:** 4-story, Type III, over 60' (amenities on roof deck).
2. **UNIT OCCUPANCY:** 2 residential units over 2 commercial units.
3. **COMMON WALL EXTERIORS:** 2 sides.
4. **R-3 OCCUPANCY:** 2 residential condos over commercial parking.
5. **NO STAIR TO ROOF FOR FIRE DEPARTMENT ACCESS.
6. **SEPARATE EGRESS STAIR:** MAX 125' to Two-Hour Egress Enclosure.
7. **ADA REQUIREMENT:** NONE

**PROJECT TEAM**

- **OWNER:** Commack Properties (2018-0326-4615)
- **ARCHITECT:** EE Weiss Architects, Inc.
- **STRUCTURAL:** Earth Mechanics Consulting

**BUILDING PROGRAM**

- **Floor Area:**
  - 1st: 3,257
  - 2nd: 3,257
  - 3rd: 3,257
  - 4th: 3,257

- **Exterior Walls:**
  - First Floor: 40'
  - Second Floor: 40'

- **Basements:**
  - 1st Floor: 664

- **Basement:**
  - 1st Floor: 664

- **Roof:**
  - 4th Floor: 664

- **Total Area:** 13,376

**LOCATION MAP**

- **San Francisco, California, 94117**

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**PLANNING NOTES**

1. Codes:
   - The design and construction of all site alterations shall comply with the 2017 California Code, including Building Code, Plumbing Code, Electrical Code, Mechanical Code, Fire Code, and Title 24 Energy Efficiency Standards, including Local Amendments.
2. Code require 2-hour separation assemblies between all units, Units and Garage, and Elevator Shafts.
3. 90 minute rated doors at Two-Hour Walls.
4. Assemblies for 1-hour shall be provided within 60" of (side, rear) property line.
5. All penetrations in fire assemblies shall comply with the Fire Rating in which they breech.
6. Fire caulking all pipes, ducts, etc., to seal completely.
8. Sprinkler installation per NFPA 13 and CBC 903.1.1.
9. NEW TYPE V-A SPRINKLERED, FOUR STORY BUILDING WITH ROOF DECK.
10. R-3 OCCUPANCY: TWO RESIDENTIAL CONDOs OVER COMMERCIAL PARKING.
11. NO STAIR TO ROOF FOR FIRE DEPARTMENT ACCESS.
12. SINGLE EGRESS STAIR: MAXIMUM 125' TO TWO-HOUR EGRESS ENCLOSURE.
13. ADA REQUIREMENTS: NONE.

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**PROJECT INFORMATION**

- **Project Name:** 461-29th
- **Project Address:** 461 29th Street
- **Zip Code:** 94110
- **Site Size:** 6,554 sf
- **Floor Area:** 13,376 sf
- **Uses:** Residential
- **Proposed Use:** New Construction Pending Demo
- **Lot Size:** 2,850 sf
- **Parking:** 100% 2 Bedroom or Larger Units
- **Construction:
  - Building: Ordinary
  - Office: Ordinary
  - Garage: Ordinary
  - Apartment: Ordinary
  - Lift: Lift
  - Unit: Unit
  - Public Open Space: Park
  - Other: Other

---

**GENERAL NOTES**

- **Residential:** 5
- **Parking:** 20
- **Utilities:** 2 Class I Bike Spaces
- **Open Space:** 100 sf required per unit, 133 sf required if common. Total common area to be divided equally between the number of units sharing the area.
REBUILD EXISTING CURB CUT TO NEW STANDARD
NEW 24" BOX STREET
TREE
FIRE AND SITE DETAILS SEE A2.1

GENERAL SITE NOTES:
1) ENGINEER TO REVIEW AND APPROVE ALL ASPECTS OF GRADING, DRAINAGE, FOUNDATIONS, AND ALL ASSOCIATED UNDERGROUND IMPROVEMENTS AND CONDITIONS. ENGINEER TO TEST AND INSPECT ALL SYSTEMS AS REQUIRED.TYP.
2) EROSION AND SURFACE RUN-OFF SHALL BE CONTAINED AND CONTROLLED WITHIN THE SITE.
3) MAX. SLOPE OF UNRESTRAINED EARTH. NO GRADING AT PROPERTY LINE.
4) ALL WORK TO MEET COUNTY FEASIBILITY AND CITY SPECIFICATIONS AND UNIFORM CONSTRUCTION STANDARDS.

WORK AT PROPERTY LINE:
1) ARCHITECTURAL PLANS ARE SCHEMATIC IN NATURE; ALL WORK TO BE PERFORMED WITHIN THE SUBJECT PROPERTY.
2) ALL WORK INCLUDING RETAINING WALLS, PIERS, DRAIN LINES, WATERPROOFING, BACK FILLING, ETC. SHALL BE CONTAINED WITHIN THE PROPERTY LINES.
3) NO EQUIPMENT, PERSONNEL, OR MATERIAL ARE ALLOWED ON THE NEIGHBORING PROPERTY WITHOUT PRIOR WRITTEN CONSENT.

STAGGERED REAR YARD SETBACK:
GIVEN THE SITE CONDITIONS, THE AVERAGE REAR YARD SETBACK HAS BEEN STAGGERED TO PROVIDE LIGHT AND AIR TO THE PROPERTY WITH THE GREATER REAR YARD SETBACK.

VOLUNTARY FRONT SETBACK:
31'-8"
10'-0"
SB ABV 30'
**WALL SCHEDULE**

- **PLT SIZE GRAPHIC KEY:**
  - 2x6's are cross-hatched
  - 2x4's are hatched
  - 2x6
    - One-hour exterior wall: 5/8" Type X GWB on interior. 5/8" gyp sheathing over studs. Building paper over gyp sheathing. Ext T&G plywood per structural. 'Z' flashing at horizontal joints. Additional finish over plywood where plywood is visible.
  - 2x6
    - Non-rated exterior wall: 5/8" Type X GWB on interior side only. Plywood/sheathing per structural exterior face of studs; 'Z' flashing at horizontal joints. Building paper over sheathing. Finish per elevations.
  - 2x6
    - Two-hour sound walls: stagger 2x4 studs on 2x6 plates. Sound insulation in all voids. Two layers 5/8" Type X each side of wood studs; stagger seams.
  - 90 minute doors:
    - 2x6 one-hour walls: one layer 5/8" Type X each side of wood studs.
    - 2x4 two-hour walls: two layers 5/8" Type X each side of wood studs; stagger seams.
    - 90 minute doors:
      - 2x4 one-hour walls: one layer 5/8" Type X each side of wood studs.
      - 2x4 one-hour parapet: 30" min. height wall above roofs, 42" at decks, within 60" of property line. One layer 5/8" Type X ext sheathing each side of wood studs, building paper, P.T. Plywood per structural, exterior finishes where Ply is exposed, non-combustible finish top 18".

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**FRONT LANDSCAPING**

- Gross area = 60sf
- Required landscape = 20% of 60sf = 12sf
- (3) planters (12" above natural grade) = 24sf
- 24sf > 12sf: landscaping complies

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**CLASS ONE BIKE STORAGE NOTES:**

- **Dimensions:** 24" wind x 72" long, and 48" high.
- 84" ceiling above bike. Per required bike, min.
- **Slopes:** Flat as possible
- **Access route:** 60" wide. No more than (2) 36" doors.
- 1/3 of required spaces may be vertical rack: Section 155.2 and ZA Bulletin No. 9
- Protect spaces with bollards or other physical barrier

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**PLANTER BASEMENT PLAN**

- **Scale:** 1/4" = 1'-0"
- **Basement & first floor plans**
  - Basement plan
  - First floor plan
  - Part 1 lower floor
  - Part 1 basement

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**CLASS ONE BIKE STORAGE NOTES:**

- **Dimensions:** 24" wind x 72" long, and 48" high.
- 84" ceiling above bike. Per required bike, min.
- **Slopes:** Flat as possible
- **Access route:** 60" wide. No more than (2) 36" doors.
- 1/3 of required spaces may be vertical rack: Section 155.2 and ZA Bulletin No. 9
- Protect spaces with bollards or other physical barrier
24'-6 5/8" 8'-5 1/4" 16'-1 3/8"

114.0'

NOTE:
NON-RATED WALLS NOT ALLOWED WITHIN 60" OF PROPERTY LINE WHERE SUBJECT WALL IS NOT PERPENDICULAR TO PROPERTY LINE.

WALL SCHEDULE

PLATE SIZE GRAPHIC KEY:
- 2x6's Are Cross-Hatched
- 2x4's Are Hatched

2x6
- ONE-HOUR EXTERIOR WALL: 5/8" TYPE X GWB ON INTERIOR. 5/8" GYP SHEATHING OVER STUDS. BUILDING PAPER OVER GYP SHEATHING. EXT T&G PLYWOOD PER STRUCTURAL. 'Z' FLASHING AT HORIZONTAL JOINTS. ADDITIONAL FINISH OVER PLYWOOD WHERE PLYWOOD IS VISIBLE.

2x6
- NON-RATED EXTERIOR WALL: 5/8" TYPE X GWB ON INTERIOR SIDE ONLY. PLYWOOD/SHEATHING PER STRUCTURAL EXTERIOR FACE OF STUD; 'Z' FLASHING AT HORIZONTAL JOINTS. BUILDING PAPER OVER SHEATHING. FINISH PER ELEVATIONS.

2x6
- TWO-HOUR SOUND WALLS: STAGGER 2x4 STUDS ON 2x6 PLATES. SOUND INSULATION IN ALL VOIDS. TWO LAYERS 5/8" TYPE X EACH SIDE OF WOOD STUDS; STAGGER SEAMS.

2x6
- ONE-HOUR WALLS: ONE LAYER 5/8" TYPE X EACH SIDE OF WOOD STUDS

2x4
- TWO-HOUR WALLS: TWO LAYERS 5/8" EACH SIDE OF WOOD STUDS; STAGGER SEAMS

2x4
- ONE-HOUR WALLS: ONE LAYER 5/8" EACH SIDE OF WOOD STUDS

2x4
- ONE-HOUR PARAPET: 30" MIN. HEIGHT WALL ABOVE ROOFS, 42" AT DECKS, WITHIN 60" OF PROPERTY LINE. ONE LAYER 5/8" TYPE X EXT SHEATHING EACH SIDE OF WOOD STUDS, BUILDING PAPER, P.T. PLYWOOD PER STRUCTURAL, EXTERIOR FINISHES WHERE PLY IS EXPOSED, NON-COMBUSTIBLE FINISH TOP 18", 8-17

2-HOUR ROOF
- TWO-LAYER 2x6 PLATES. SANDING, Texturing, and Priming before final coat of finish (e.g., silicone resistance). Min. 3 coats of binder film with separate coats of finish in the following order:
  1. Epoxy Primer
  2. Sandable Primer
  3. Finish Coat 1
  4. Finish Coat 2

90 MINUTE DOORS
- 2x6 ONE-HOUR WALLS: ONE LAYER 5/8" TYPE X EACH SIDE OF WOOD STUDS

2x4
- ONE-HOUR PARAPET: 30" MIN. HEIGHT WALL ABOVE ROOFS, 42" AT DECKS, WITHIN 60" OF PROPERTY LINE. ONE LAYER 5/8" TYPE X EXT SHEATHING EACH SIDE OF WOOD STUDS, BUILDING PAPER, P.T. PLYWOOD PER STRUCTURAL, EXTERIOR FINISHES WHERE PLY IS EXPOSED, NON-COMBUSTIBLE FINISH TOP 18", 8-17

2-HOUR ROOF
- TWO-LAYER 2x6 PLATES. SANDING, Texturing, and Priming before final coat of finish (e.g., silicone resistance). Min. 3 coats of binder film with separate coats of finish in the following order:
  1. Epoxy Primer
  2. Sandable Primer
  3. Finish Coat 1
  4. Finish Coat 2

90 MINUTE DOORS
- 2x4 ONE-HOUR WALLS: ONE LAYER 5/8" TYPE X EACH SIDE OF WOOD STUDS

2x4
- ONE-HOUR PARAPET: 30" MIN. HEIGHT WALL ABOVE ROOFS, 42" AT DECKS, WITHIN 60" OF PROPERTY LINE. ONE LAYER 5/8" TYPE X EXT SHEATHING EACH SIDE OF WOOD STUDS, BUILDING PAPER, P.T. PLYWOOD PER STRUCTURAL, EXTERIOR FINISHES WHERE PLY IS EXPOSED, NON-COMBUSTIBLE FINISH TOP 18", 8-17
QUALIFIED NOTES
1. REFER TO SITE PLANS FOR BUILDING LOCATION
2. REFER TO SITE PLANS FOR BUILDING LOCATION
3. REFER TO SITE PLANS FOR BUILDING LOCATION
4. REFER TO SITE PLANS FOR BUILDING LOCATION
5. REFER TO SITE PLANS FOR BUILDING LOCATION
6. REFER TO SITE PLANS FOR BUILDING LOCATION

FINISH SCHEDULE:
1. WALLS: SMOOTH TROWEL STUCCO
2. WALLS: NARROW PLANK SIDING, PAINTED
3. CLEAR FINISH WOOD
4. GALVANIZED FLASHING; PAINTED
5. SOLID RAIL
6. GLASS RAIL
7. SOLID OVERHANG
8. STONE TILE
9. PT/PLYWOOD BLIND WALL

GUARDRAIL NOTES:
1. MIN. HEIGHT ABOVE HIGHEST FLOOR/DECK LEVEL;
2. SPACE ALL INTERMEDIATE RAILS TO PREVENT A 4" SPHERE FROM PASSING THROUGH RAIL.
3. GUARDRAIL TO BE REDWOOD OR CEDAR
4. REFER TO STRUCT DWGS/CALCS. 2x2 HORIZONTAL RAILS
5. SEE ADDITIONAL NOTES SHEET A0.1

NOTE:
ALL EXPOSED WOOD TO BE DECAY RESISTANT
BEFORE OR PRESSURE TREATED LUMBER, TYPICAL

HISTORY
10 JUNE 05
1/16/19
12:21:56 PM
4 JAN 2018-0326-4615
ALL WALLS WITHIN 60" OF PROPERTY LINE TO BE ONE-HOUR; CONTINUOUS 5/8" GWB BOTH SIDE OF WALLS. FIRE TAPE WHERE TONGUE AND GROOVE NOT USED.

DECAY RESISTANT FINISHES; REDWOOD, CEDAR PRESSURE TREATED PLYWOOD, TYP. ACCESSIBLE SIDES MAY HAVE AN ADDITIONAL LAYER OF SIDING.

'Z' BAR FLASHING AT ALL HORIZONTAL NON-LAPPED SEAMS.

EXPOSED WALLS TO BE FINISHED; METAL OR CEMENTIOUS SIDING OR STUCCO WITH MAINTENANCE FREE FINISH.

EXTERIOR FENESTRATION AND FINISHES TO MEET U-FACTOR IN TITLE -24 ENERGY REPORT, TYPICAL.

10 JUNE 05

4 JAN 19

461 29th ST
SAN FRANCISCO, CA 94131
ASSESSOR'S PARCEL: 6631/033

E.E. WEISS
Architects, Inc.
21 Corte Madera Ave.
Mill Valley, CA 94941
admin@eeweiss.com
Tel       415.381.8700
INSULATION NOTE:
1) Insulate all cavities between conditioned spaces and exterior per MF-1R on energy calculation sheet, typical.
2) R-30 at roof, R-13 at walls, R-19 at floors unless otherwise noted.
3) Ventilate (provide free air space to exterior) roof and areas between conditioned and exterior spaces.
4) R-13 at all interior walls, R-19 at all floors between living spaces.
5) Energy forms CF-6R, insulation certificates and installation req's be posted on the job site during construction, as req'd.

FIRE BLOCK CONSTRUCTION. Fire blocks shall be installed to cut off all concealed spaces. A horizontal fire block shall be provided in each floor and roof assembly. Vertical fire blocks shall be provided in each floor assembly and floor-ceiling assembly. Fire blocks shall be installed to cut off all concealed spaces (both vertical and horizontal) and shall form an effective barrier between floors, between a top story and a roof or attic space, and shall subdivide attic spaces, concealed roof spaces and floor-ceiling assemblies. The integrity of all fire blocks and draft stops shall be maintained.

WHERE REQUIRED:
1) Fire blocking shall be provided in concealed spaces of stud walls and partitions, including furred spaces, at the ceiling and floor levels, and at 10-foot intervals both vertically and horizontally.
2) All interconnections between concealed vertical and horizontal spaces such as occur at soffits, drop ceilings and cove ceilings.
3) In concealed spaces between stair stringers at the top and bottom of the run and between studs along and in line with the run of stairs if the walls under the stairs are unfinished.
4) In openings around vents, pipes, ducts, chimneys, fireplaces and similar openings that afford a passage for fire at ceiling and floor levels, with noncombustible materials.
5) At openings between attic spaces and chimney chases for factory-built chimneys.

708.2.1 Fire Block Construction. Except as provided in Item 4 above, fire blocking shall consist of 2 inches nominal lumber. Fire blocks may also be of gypsum board, cement fiber board, batts or blankets of mineral or glass fiber. Loose-fill insulation material shall not be used as a fire block unless specifically tested to retard flame spread.

708.2.2 Draft Stopping. When there is usable space above and below the concealed space of a floor-ceiling assembly in a single-family dwelling, draft stopping shall be installed so that the area of the concealed space does not exceed 1,000 square feet. Draft stopping shall divide the concealed space into approximately equal areas.

FACADE STEPS BACK PER SF PLANNING 261